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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/285,899	04/08/1999	SHUNPEI YAMAZAKI	0756-1950	4276
31780	7590	04/10/2006	EXAMINER	
ERIC ROBINSON PMB 955 21010 SOUTHBANK ST. POTOMAC FALLS, VA 20165			TON, MINH TOAN T	
			ART UNIT	PAPER NUMBER
			2871	

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/285,899

Applicant(s)

YAMAZAKI ET AL.

Examiner

Toan Ton

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-16,21-24,33-36,50-52 and 57-97 is/are pending in the application.
- 4a) Of the above claim(s) 69-97 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-16,21-24,33-36,50-52 and 57-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Claim Rejections - 35 USC § 103

1. Claims 9-16, 21-24, 33-36, 50-52, 54 and 57-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inaba (US 5227900) in view of Takeshita (JP 61-141174) and Wakai et al (US 5055899).

Inaba discloses all except for a leveling (organic resin) layer on the TFT and the pixel electrode on the leveling layer. See other detailed explanations in the office action mailed 06-05-01, if needed.

Takeshita teaches that the use of leveling film of organic resin over the TFT is common (an usual way) in the art. Wakai discloses (see Figures 1-2) that an active matrix substrate comprising a thin film transistor having a pixel electrode directly connected to the drain electrode suffers several disadvantages such as short-circuiting, thus, it is hard to obtain a TFT which can stably operate without causing a short-circuiting between the pixel electrode and the drain electrode (see col. 2, lines 18-27, lines 63-68; Inaba discloses this similar conventional structure of having the pixel electrode directly connected to the drain electrode). Wakai solves the short-circuiting problem by forming the insulation/leveling layer (e.g., organic resin) between the pixel electrode and the drain electrode, wherein the pixel electrode is electrically connected to the drain electrode through a contact hole of the insulation layer. Therefore, it would have been obvious to one of ordinary skill in the art to employ an insulating/leveling layer having a contact hole and formed between the pixel electrode and the drain electrode for avoiding disadvantages including short-circuiting, i.e., a leveling (organic resin) layer on the TFT and the pixel electrode on the leveling layer.

Response to Arguments

2. Applicant's arguments filed 01/12/05 have been fully considered but they are not persuasive.

Applicant argues that there is no reason to combine Inaba with Takeshita and Wakai that would yield a device having a leveling/insulation film on the TFT and the pixel electrode on the leveling/insulation layer.

Takeshita teaches that the use of leveling film of organic resin over the TFT is common (an usual way) in the art. Further, Wakai discloses (see figures 1-2) that an active matrix substrate comprising a thin film transistor having a pixel electrode directly connected to the drain electrode suffers several disadvantages such as short-circuiting, thus, it is hard to obtain a TFT which can stably operate without causing a short-circuiting between the pixel electrode and the drain electrode (see col. 2, lines 18-27, lines 63-68; Inaba discloses this similar conventional structure of having the pixel electrode directly connected to the drain electrode). Wakai solves the short-circuiting problem by forming the insulation layer (e.g., organic resin) between the pixel electrode and the drain electrode, wherein the pixel electrode is electrically connected to the drain electrode through a contact hole of the insulation layer. Therefore, it would have been obvious to one of ordinary skill in the art to employ an insulating layer (organic resin) having a contact hole and formed between the pixel electrode and the drain electrode for avoiding disadvantages including short-circuiting, i.e., a leveling (organic resin) layer on the TFT and the pixel electrode on the leveling layer.

Thus, Inaba (US 5227900) in view of Takeshita (JP 61-141174) and Wakai et al (US 5055899) meet Applicant's claimed invention.

Conclusion

3. This is a RCE of applicant's earlier Application No. 09/385899. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


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Contact Information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan Ton whose telephone number is (571) 272-2303.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 3, 2006


TOANTON
PRIMARY EXAMINER